

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CRIMINAL NO. 3:20-CR-000202-001

UNITED STATES OF AMERICA,                     )  
   )  
          Plaintiff,                                 )  
   )  
v.   )  
   )  
MALCOLM BYNUM,                                 )  
   )  
   )  
          Defendant.                                )  
\_\_\_\_\_)

**WRIT OF EXECUTION**

TO THE UNITED STATES MARSHAL:

The Defendant, Malcolm Bynum, whose last known address is XXXXXXXXXXXXXXXX, Beaver, West Virginia XXXXX, is indebted to the United States in the amount of \$169,923.24 as a result of a judgment entered in this case on November 19, 2021 in favor of the United States. There are no additional costs or interest associated with the judgment at this time. The balance on the account as of October 12, 2022, is \$169,873.24.

There is property in which the Defendant has a substantial non-exempt interest, specifically 1344 Downs Avenue, Charlotte, North Carolina, 28205, which may be executed upon to pay the referenced judgment. That property is more specifically identified in Exhibit A to the Plaintiff's Application for Writ of Execution.

NOW THEREFORE YOU ARE HEREBY COMMANDED pursuant to 28 U.S.C. §3203 to satisfy the judgment by levying on and selling real property located at 1344 Downs Avenue, Charlotte, North Carolina, 28205. In performing the levy, you may use reasonable force, if necessary, to enter and secure the property, including the residence located on the property. Pursuant to 28 U.S.C. § 3203(d)(1) and 28 U.S.C. § 3102(d)(3), the USMS shall enter the real

property located at 1344 Downs Avenue, Charlotte, North Carolina, 28205, and post this Writ of Execution and Notice of Levy in a conspicuous place on the property. You may change the locks located at 1344 Downs Avenue or otherwise secure the property.

YOU ARE FURTHER COMMANDED to return a Notice of Levy and serve Defendant Malcolm Bynum and each person whom the United States has reasonable cause to believe has an interest in the property subject to the Writ of Execution with the Application, Writ, Notice of Levy, and Clerk's Notice.

YOU ARE FURTHER AUTHORIZED, at your discretion, to contract with a real estate or brokerage firm for the sale of the property in order to maximize the sale. In addition, you are not required to sell property at auction, on the premises of the property, or at the courthouse, and any reasonable advertising may be used, so long as it is done in a commercially reasonable manner. No official notice of sale needs to be issued and posted at the county courthouse.

YOU ARE FURTHER COMMANDED that no sale shall take place until either the United States Attorney's Office or you have filed a certificate with the Court indicating that the Defendant has been served with a copy of this Writ, and until at least ninety days has passed since the date of levy under § 3203(d). No other process needs to be served on the Defendant prior to the sale, and the Notice of Levy does not need to be filed with the county.

YOU ARE FURTHER COMMANDED to deduct an amount equal to the reasonable expenses incurred in making this levy of execution and in keeping and maintaining the property, and to deposit the net proceeds with the United States Clerk of Court. Payment shall be made to:

United States District Court  
401 West Trade Street  
Charlotte, North Carolina 28202

In accordance with 28 U.S.C. § 3203(h)(1)(B) and the Court's Order and Final Judgment in Case No. 3:21-CV-000037, net proceeds shall be distributed in the following manner: first, for costs and expenses; second, to satisfy Defendant Tico Jermaine Bynum's outstanding restitution balance in

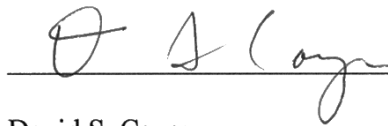
Case No. 3:97-CR-000338-001 in whole or in part; third, to satisfy Defendant Tico Jermaine Bynum's outstanding restitution balance in Case No. 3:07-CR-000052-001 in whole or in part; and fourth, to satisfy Defendant Malcolm Bynum's restitution debt in Case No. 3:20-CR-000202-001 in whole or in part.

YOU ARE FURTHER COMMANDED that the levy and sale shall not exceed property reasonably equivalent in value to the aggregate amount of the judgments set out above plus costs and interest.

YOU ARE FURTHER COMMANDED to make return of the Writ detailing the net sale proceeds deposited within ten days after the sale of the property on which levy is made pursuant to 28 U.S.C. § 3203(d)(3)(C). If levy is not made, the Writ shall be returned not more than ninety days after the date of issuance. *Id.*

**SO ORDERED.**

Signed: October 17, 2022

  
\_\_\_\_\_  
David S. Cayer  
United States Magistrate Judge



## RETURN OF SERVICE

DATE RECEIVED:

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TIME RECEIVED:

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DATE OF LEVY:

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PROPERTY SEIZED BY LEVY:

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DATE OF SALE:

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FEES, COSTS AND EXPENSES:

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The Writ was received and executed:

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U.S. Marshal

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BY: Deputy U.S. Marshal

**CLAIM FOR EXEMPTION FORM**  
**MAJOR EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

- \_\_\_\_ 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- \_\_\_\_ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$10,090** in value.
- \_\_\_\_ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$5,050** in value.
- \_\_\_\_ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- \_\_\_\_ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
- \_\_\_\_ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- \_\_\_\_ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
- \_\_\_\_ 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- \_\_\_\_ 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
- \_\_\_\_ 10. Assistance under Job Training Partnership Act.  
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.

The statements made in this claim of settlement to exemptions and request for hearing as to exemption entitlement and fair market value of the property or funds designated are made and declared under penalty of perjury that they are true and correct.

☐ I hereby request a Court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(\_\_\_\_\_ )  
Address

or telephonically at (\_\_\_\_\_)\_\_\_\_\_  
Phone No.

\_\_\_\_\_  
Defendant's printed or typed name

\_\_\_\_\_  
Signature of the defendant      Date